

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-15973-2022 (O&M)

Date of decision: 07.02.2023

Meena @ Beena

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Navraj Singh, Advocate
for the petitioner.

Mr. Ajit Singh Natt, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 84 dated 23.11.2020, registered under Sections 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Aur, District SBS Nagar.

The first petition, bearing CRM-M-21583-2021, was dismissed as withdrawn on 29.10.2021.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that co-accused of the petitioner, namely Jasvir Singh @ Jassi, has been granted the concession of regular bail by this Court, vide order dated 09.07.2021 passed in CRM-M-25245-2021; the petitioner is in judicial custody for the last 01 year, 10 months and 23 days and out of total 08 prosecution witnesses, only 02 witnesses have been examined so far.

While granting regular bail to co-accused Jasvir Singh @ Jassi on 09.07.2021, as noticed above, the following order has been passed:

“...Counsel for the petitioner has submitted that as per the allegations in the FIR, the police while on petrol duty noticed a black colour scooty, which was driven by a lady and a person was sitting on a pillion. On seeing the police party, the lady became panicked and tried to turn back the scooty and in that process, it slipped and both of them fell down. Thereafter, the Investigating Officer enquired about their identities. The lady driver of the scooty, disclosed her name as Meena @ Beena, wife of Manga Ram whereas the pillion rider of the scooty, disclosed his name as Jasvir Singh@ Jassi i.e. the petitioner. Upon suspicion, the Investigating Officer searched the scooty and from the tool box i.e. dicky of the scooty a white coloured bag containing 13 intoxicant injections of AVIL without labels were recovered. It is further submitted that later on, both the petitioner and the aforesaid accused were arrested on the premise that they are found in possession of 13 intoxicant injections without any licence. It is also submitted that the petitioner is the first offender and he is not involved in any other case. It is also argued that the scooty, which was driven by the coaccused Meena @ Beena is the owner of the scooty and the petitioner is was only a pillion rider and therefore, it will be a moot point to be decided during the course of trial whether the petitioner was found in possession of the contraband, which was recovered from the dicky of the scooty.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the

case, considering the fact that the petitioner is in custody for the last more than 01 year; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

Learned counsel for the petitioner further submits that as per allegations in the FIR, recovery of 13 intoxicant injections without label and 13 intoxicant injections with label was effected. It is further submitted that the petitioner was granted the concession of interim bail awaiting the FSL report by the Judge, Special Court on 30.12.2020 and after the receipt of the report, she has surrendered back in time and has not misused the same.

Learned counsel for the petitioner further submits that the petitioner is a lady aged about 36 years and though, she is involved in some other cases under the NDPS Act, however, she is on bail in those cases, as per custody certificate filed today in Court.

Learned State counsel filed custody certificate, which is taken on record. As per custody certificate, the petitioner is in judicial custody for the last 01 year, 10 months and 23 days and it is not disputed by learned State counsel that only 02 prosecution witnesses have been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, especially in view of the fact that the petitioner is a lady and she is in long judicial custody and conclusion of trial is likely to take a long time as out of total 08 prosecution witnesses, only 02

witnesses have been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

07.02.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No